

(e) *Notice, litigation and settlement procedures:* (1) The State or locality must give notice of any claim against it on or before the 10th day after the day on which claim against it is received, or it has notice of such a claim.

(2) The notice must be given to the Attorney General and to the U.S. Attorney of the district embracing the place wherein the claim is made.

(3) The Attorney General shall make all determinations regarding the settlement or defense of such claims.

#### APPENDIX TO PART 99—ADDRESSES OF RELEVANT U.S. GOVERNMENT AGENCIES

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### PART 100—UNSATISFACTORY PERFORMANCE OF READY RESERVE OBLIGATION

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AUTHORITY: 10 U.S.C. 510, 511, 593, 597, or 651, and 32 U.S.C. 302.

SOURCE: 44 FR 51568, Sept. 4, 1979, unless otherwise noted.

#### § 100.1 Reissuance and purpose.

This part is reissued to update DoD policy on actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in Reserve training is unsatisfactory; and provides greater flexibility to the Military Departments when dealing with unsatisfactory performance.

#### § 100.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense and the Military Departments.

#### § 100.3 Policy.

Persons who are enlisted or appointed in, or transferred to a Reserve component of the Armed Forces of the United States, under the provisions of 10 U.S.C. 510, 511, 593, 597, or 651 and 32 U.S.C. 302 are expected to participate and perform satisfactorily as members of the Ready Reserve to fulfill their obligation or service agreement. This policy is also in accordance with the standards prescribed by 32 CFR parts 102 and 101 and the Military Departments concerned.

#### § 100.4 Responsibility.

The Secretaries of the Military Departments shall ensure that:

(a) Ready Reserve applicants understand their obligations for satisfactory participation in the Ready Reserve before their enlistment or appointment.

(b) Members of the Ready Reserve continue to understand their obligations for satisfactory participation in the Ready Reserve after their enlistment or appointment in accordance with 32 CFR part 44.

#### § 100.5 Procedures.

(a) *Unsatisfactory participation in the Ready Reserve.* (1) Members of the Selected Reserve who have not fulfilled their statutory military service obligation under 10 U.S.C. 651 and whose participation has not been satisfactory may be:

(i) Ordered to active duty, *if they have not served on active duty or active duty for training for a total period of 24 months*, for such period of time as may be deemed necessary by the Secretary of the Military Department concerned under the provisions of 10 U.S.C. 673a (such individuals may be required to serve on active duty until their total service on active duty or active duty for training equals 24 months); or

(ii) Ordered to active duty for training, *regardless of the length of prior active duty or active duty for training*, for a period of not more than 45 days under provisions of 10 U.S.C. 270; or

(iii) Transferred to the Individual Ready Reserve (IRR) for the balance of their statutory military service obligation with a tentative characterization of service, normally under other than